

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LADDY CURTIS VALENTINE and)	
RICHARD ELVIN KING, individually and)	
on behalf of those similarly situated,)	
Plaintiffs,)	Case No. 4:20-cv-01115
v.)	
)	
BRYAN COLLIER, in his official capacity,)	
ROBERT HERRERA, in his official capacity,)	
and TEXAS DEPARTMENT OF CRIMINAL)	
JUSTICE.)	
Defendants.)	

**PLAINTIFFS' EMERGENCY MOTION FOR WRIT OF HABEAS CORPUS AD
TESTIFICANDUM FOR TEXAS INMATE RICHARD ELVIN KING**

Plaintiff Richard King, TDCJ #00516700, respectfully requests this Court issue a writ of habeas corpus to require the State of Texas to produce him in court **via telephone** on April 16, 2020 to testify in the hearing set by this Court on Plaintiffs' motion for temporary restraining order at 1:30 pm.

FACTS

Mr. King was sentenced to life in the custody of the Texas Department of Criminal Justice (TDCJ) in 1989 in Nacogdoches and Angelina Counties, Texas. He is currently serving his term at the Wallace Pack Unit in Navasota, Texas in Grimes County.

Due to the emergency nature of these proceedings, the parties have not conferred about this motion. However, the undersigned routinely makes phone calls to inmates at the Wallace Pack Unit and the Unit has the capability to call the Court as requested.

Mr. King has not been granted parole. Until he is, Mr. King remains in the custody of the state and subject to the conditions of confinement established by TDCJ. TDCJ requires Mr. King

to remain in the Wallace Pack Unit under the supervision of TDCJ's Correctional Institutions Division.

The sheriff of Harris County, where this court sits, is Ed Gonzalez. The head of the U.S. Marshals service for the Southern District of Texas is T. Michael O'Connor. The director of TDCJ's Correctional Institutions Division is Lorie Davis. The warden of the Wallace Pack Unit is Robert Herrera.

ARGUMENT

This Court has the power to issue writs of habeas corpus to require inmates to appear for trial. Under 28 U.S.C. § 2241(c)(5), the Court may issue a writ of habeas corpus when "it is necessary to bring [the inmate] into court to testify or for trial."

Mr. King's testimony at the hearing is necessary for him to fully present his evidence and arguments to the Court and counter Defendants' testimony, to the extent the Court wishes to hear testimony related to Plaintiffs' motion for temporary restraining order. Mr. King's testimony is especially necessary in light of Mr. King's status as a named representative for a putative class in this action and the emergency nature of the relief sought in this case.

Mr. King requests he be brought to a telephone that can be connected to the court no later than 1:30 pm on April 16, 2020, when the presentation of the evidence begins, and be available to participate telephonically throughout the presentation of evidence.

CONCLUSION

Plaintiffs therefore respectfully request that Mr. King be brought to a telephone by TDCJ and connected with the court telephonically for the duration of hearing.

Dated: April 14, 2020.

Dated: March 30, 2020

/s/ Jeff Edwards

Jeff Edwards
State Bar No. 24014406
jeff@edwards-law.com
Scott Medlock
State Bar No. 24044783
scott@edwards-law.com
Michael Singley
State Bar No. 00794642
mike@edwards-law.com
David James
State Bar No. 24092572
Federal ID No. 2496580
david@edwards-law.com
EDWARDS LAW GROUP
The Haehnel Building
1101 East 11th Street
Austin, TX 78702
Tel. (512) 623-7727
Fax. (512) 623-7729

John R. Keville
Attorney-in-Charge
Texas State Bar No. 00794085
S.D. Tex. ID No. 20922
jkeville@winston.com
Denise Scofield
Texas Bar No. 00784934
S.D. Tex. ID No. 1529
dscofield@winston.com
Michael T. Murphy
Texas Bar No.
S.D. Tex. ID No.
MTMurphy@winston.com
Brandon W. Duke
Texas Bar No. 240994476
S.D. Tex. ID No. 2857734
bduke@winston.com
Benjamin D. Williams
Texas Bar No. 24072517
S.D. Tex. ID No. 1447500
bwilliams@winston.com
Robert L. Green
Texas Bar No. 24087625
S.D. Tex. ID No. 2535614
RLGreen@winston.com
Corinne Stone Hockman
Texas Bar No. 24102541
S.D. Tex. ID No. 3019917
CHockman@winston.com
WINSTON & STRAWN LLP
800 Capital Street, Suite 2400
Houston, Texas 77002
Tel. (713) 651-2600
Fax (713) 651-2700

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of this document has been served on all counsel of record through the Court's electronic case filing system.